Claims 1, 3, 4, 6, and 11-12 remain in the application. Claims 2, 5, and 7-10 have been

cancelled. Claim 1 is in independent form and has been amended. New claim 13 has been added to

the application.

Claims 1, 3, 4, 7, 11 and 12 stand rejected under 35 USC 103(a) as being unpatentable over

Palvolgyi (US 6,685,045). The Examiner contends that Palvolgyi '045 teaches a wall (1) for

enclosing a fluid, an inwardly flanged lip (8) forming an opening through a portion of the wall, a

removable lid (2), first and second spaced apart radial grooves, first (10) and second (9) sealing rings

seated in the grooves, and a sealing gap (19).

However, the Examiner admits the Palvolgyi '045 does not teach a reinforcement member

fixedly secured to the inside wall forming a shoulder to support the circumferential periphery of the

inwardly flanged lip. But, the Examiner argues that it would have been obvious to one having

ordinary skill in the art at the time the invention was made to provide the thicker upper end (5) of the

filler neck as a sealing surface and as a reinforcement, because it has been held that constructing a

formerly integral structure in various elements involves only routine skill in the art.

In response, Applicant strongly disagrees-and traverses this rejection.

Independent claim 1 has been amended to set forth a fuel tank assembly comprising: a wall

(5) for enclosing a fluid; the wall having an upper wall (5) and an inwardly flanged lip (11)

extending downwardly from the upper wall (5) into the fuel tank forming an opening (3)

extending through a portion of the wall and defining a first sealing surface (12) along the

circumferential periphery of the lip; a removable lid (4) for closing the opening in the wall, the

lid having an outer peripheral part (18) defining a second sealing surface (19) along the

circumferential periphery thereof facing the first sealing surface when the lid is seated in the

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opening; first and second spaced apart radial grooves (20, 21) formed in at least one of the first

and second sealing surfaces; first and second sealing rings (22, 23) seated in the first and second

grooves respectively for sealing engagement between the first and second sealing surfaces when

the lid is closed against the opening; a sealing gap (24) formed between the first sealing surface

and the part of the second sealing surface extending between the spaced apart radial grooves for

limiting the contact surface area of fuel vapors with the second sealing ring and thereby increase

the permeation resistance of the sealing engagement between the lid and the opening; and a

reinforcement member (13) including a planar portion (14) fixedly secured to the inside of the

upper wall (5) and a shoulder portion (15) extending downwardly from the planar portion (14)

forming a surrounding shoulder (15) which supports the circumferential periphery of the

inwardly flanged lip (11) defining the opening for supporting the lip against the sealing forces

between the first and second sealing surfaces from the lid closing against the opening.

The Examiner admits that Palvolgyi does not disclose a reinforcement member. The

Examiner, however, contends that it would have been obvious to one having ordinary skill in the

art at the time the invention was made to provide the upper end (5) of the filler neck of Palvolgyi

'045 as a sealing surface and as a reinforcement.. The Examiner contradicts even himself. The

Examiner first states that Palvolgyi does not disclose a reinforcement member. The Examiner

then states that the thicker upper end (5) of the filler neck comprises an inwardly flanged conical

lip sealing surface (8) and, a reinforcement comprising the flat bottom portion located

underneath the surface (8). The Examiner then also states that the thicker upper end (5) of the

filler neck could provide both the sealing surface and the reinforcement. All the while, Palvolgyi

provides absolutely no basis, support, suggestion, teaching or even an incentive for any of the

Examiner's contentions, except the first, that is, that it does not teach a reinforcement member.

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Palvogyi must have some suggestion, teaching or incentive for such a modification for support of

the Examiner's obviousness rejection. Such a suggestion, teaching or incentive simply does not

exist and the rejection should be withdrawn.

Still further, Applicant has amended independent claim 1 to further distinguish the

invention over the prior art by adding a wall for enclosing a fluid having an upper wall (5) and an

inwardly flanged lip (11) extending downwardly from the upper wall (5) into the fuel tank form

an opening and the reinforcement member (13) including a planar portion (14) fixedly

secured to the inside of the upper wall (5) and a shoulder portion (15) extending

downwardly from the planar portion (14) forming a surrounding shoulder (15) which supports

the circumferential periphery of the inwardly flanged lip (11). Palvolgyi '045 clearly does not

disclose, teach or suggest a reinforcement member having both a planar portion fixedly secured

to the inside of the upper wall and a shoulder portion extending downwardly therefrom for

supporting the inwardly flanged lip of the opening.

Further, the Examiner has indicated that claim 6 is objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. In response, Applicant has added new

claim 13 which incorporates all of the limitations of independent claim 1 and allowable claim 6.

The Applicant submits that the limitations of intervening claims 3 and 4 are not essential to the

allowability of new claim 13.

Finally, the rejection of claims 7 and 11-12 is improper and must be withdrawn. Claim 7 was

previously cancelled and therefore cannot be rejected. And, claims 11 and 12 depend from claim 6.

Claim 6 has been indicated as allowable if rewritten in independent form. Therefore, claims 11 and

12 must also be indicated as allowable if, at least, rewritten in independent form. In other words, it is

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improper and impossible to allow claim 6 and reject claims 11-12 based on 103(a) with claims 11

and 12 depending from claim 6.

It is respectfully submitted that this patent application is in condition for allowance or at least

in better condition for appeal should a notice of allowance not be issued. If the Examiner has any

questions regarding this amendment or the patent application, the Examiner is invited to contact the

undersigned.

The Commissioner is hereby authorized to charge any additional fee associated with this

Communication to Deposit Account No. 50-1759. A duplicate of this form is attached.

Respectfully submitted

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Date: <u>((/ 7</u>

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